

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

WILLIAM ALLEN MEANS,

Plaintiff,

v.

Civil Action No.: 2:20-561

**E.M. PETERSON, D. HARVEY, and
THE CITY OF SOUTH CHARLESTON,**

Defendants.

MOTION FOR PROTECTIVE ORDER

COMES NOW the Defendants, E.M. Peterson and D. Harvey, by counsel, Duane J. Ruggier II, Evan S. Olds, and Pullin, Fowler, Flanagan, Brown & Poe, PLLC, and for their *Motion for Protective Order* states as follows:

1. This Court entered a *Scheduling Order* on October 20, 2020, setting an April 9, 2021, “deadline for written discovery requests.”¹
2. On March 10, 2021, the parties filed a *Joint Motion to Modify Scheduling Order*.² The parties did not seek to modify the April 9, 2021, written discovery request deadline. The Court granted the *Joint Motion by Agreed Order* on March 11, 2021.³ The April 9, 2021, written discovery request deadline did not change.
3. On May 6, 2021, the parties filed a *Joint Stipulation to Extend Time Frames* moving expert disclosure deadlines.⁴ The April 9, 2021, written discovery request deadline remained.

¹ ECF No. 15.

² ECF No. 33.

³ ECF No. 34.

⁴ ECF No. 58.

4. On May 25, 2021, the parties filed a *Joint Stipulation* moving expert disclosure deadlines.⁵

The April 9, 2021, written discovery request deadline remained.

5. On May 25, 2021, Plaintiff served a second set of interrogatories and requests for production on Defendants—over a month and half after the April 9 deadline.⁶

6. Despite ample opportunity to do so, Plaintiff never moved the Court to extend the April 9, 2021, deadline, and Plaintiff never requested any stipulation of the same from Defendants. Therefore, good cause exists for entry of a protective order.

7. Defendants have conferred with Plaintiff's counsel in good faith over the telephone in accordance with Local Rule 37.1.

8. Defendants therefore move the Court for entry of a protective order, under Rule 26(c)(1)(A) of the Federal Rules of Civil Procedure and Local Rules 26.4(b) and 37.1, forbidding Plaintiff's written discovery requests that were served over a month and a half after the written discovery request deadline without request or agreement to extend the deadline.⁷

**E.M. PETERSON and
D. HARVEY,
By Counsel,**

/s/ Duane J. Ruggier II
DUANE J. RUGGIER II (WVSB #7787)
EVAN S. OLDS (WVSB #12311)

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⁵ ECF No. 67.

⁶ See ECF Nos. 61, 62.

⁷ See ECF Nos. 61, 62. Defendants preserve their substantive objections to these late-served requests.

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CERTIFICATE OF SERVICE

The undersigned counsel for the Defendants, E.M. Peterson and D. Harvey, does hereby certify that a true copy of the foregoing “*Motion for Protective Order*” was filed via the court’s CM-ECF Filing System and served upon counsel of record by placing the same in an envelope, properly addressed with postage fully paid and depositing the same in the U.S. Mail, on this the 24th day of June, 2021:

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/s/Duane J. Ruggier II

**DUANE J. RUGGIER II (WVSB #7787)
EVAN S. OLDS (WVSB #12311)**

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